

Amendments to the Claims:

This listing of the claims will replace all prior versions and listings of claims in the application:

Listing of the claims:

1. (currently amended) A method of making a Bowman-Birk Inhibitor concentrate, comprising the steps of:
 - providing acid extracted solubles from a defatted soybean material;
 - mixing acetone with the acid extracted solubles to form a precipitate, agitating the acetone-precipitate for about 1 hour and allowing the acetone-precipitate mixture to settle;
 - separating the precipitate from the mixture of acetone and acid extracted solubles;
 - washing the separated precipitate with acetone by slurring said separated precipitate in acetone and subsequently removing said acetone from said precipitate;
 - diluting the separated precipitate with water to form an aqueous solution; and
 - ultrafiltering the aqueous solution to obtain a retentate.
2. (canceled)
3. (canceled)
4. (previously presented) The method of claim 1 further comprising the step of vacuum filtering the separated precipitate of the mixture of acetone and acid extracted solubles.
5. (previously presented) The method of claim 1 wherein the defatted soybean material comprises defatted soybean flakes or defatted soybean flour.
6. (previously presented) The method of claim 5 wherein said step of providing acid extracted solubles includes slurring the defatted soybean flakes with water to form a slurry.

7. (previously presented) The method of claim 6 wherein said step of providing acid extracted solubles includes adjusting the pH of the slurry to 4.0 to 6.5 using hydrochloric acid.
8. (canceled)
9. (previously presented) The method of claim 7, wherein said step of providing acid extracted solubles includes separating the acid extracted solubles from the slurry.
10. (previously presented) The method of claim 1, wherein the amount of acetone mixed with the acid extracted solubles is between half and four times the amount by weight of the acid extracted solubles.
11. (previously presented) The method of claim 10, wherein the amount of acetone mixed with the acid extracted solubles is 2 times the amount by weight of the acid extracted solubles.
12. (currently amended) The method of ~~claim 2~~ claim 1, wherein the amount of acetone mixed with the acid extracted solubles is between half and two times the amount by weight of the acid extracted solubles.
13. (previously presented) The method of claim 12, wherein the amount of acetone used to wash the precipitate is half the amount mixed with the acid extracted solubles.
14. (previously presented) The method of claim 1 further comprising the step of drying the retentate to obtain the Bowman-Birk Inhibitor concentrate.
15. (previously presented) A pharmaceutical composition or dietary supplement comprising the product made in accordance with the method of claim 1.

16. (previously presented) A pharmaceutical composition or dietary supplement comprising the product made in accordance with the method of claim 7.

17. (canceled)

18. (canceled)

19. (canceled)

20. (canceled)

Remarks

Please enter the amendments as shown. The amendment to claim 1 has support, *inter alia*, in canceled claims 2, 3, and 8. Claim 12 is amended such that it no longer depends from canceled claim 2. Upon entry of this amendment, the pending claims are 1, 4-7, and 9-16.

Rejection Under 35 §USC 102 (b)

Claims 1, 3, 5-7, 10 and 14-16 are rejected under 35 §USC 102(b) as being anticipated by US Pat. No. 5,505,946 ('946). Claims 2, 3, 8, and 17-20 are canceled. The remaining claims of this rejection ultimately depend from claim 1. The limitations of claims 2 and 8 claims not part of this rejection, are incorporated into claim 1. These limitations are not taught in '946. The present claims, as amended, are not anticipated by '946. Reconsideration and withdrawal of this ground of rejection is respectfully requested.

Rejection Under 35 §USC 103 (a)

Claims 1, 2, 4-13 and 16-20 are rejected under 35 §USC 103 (a) as obvious over US Patent No. 5,505,946 ('946). Claims 2, 3, 8 and 17-20 are canceled. The remaining claims of this rejection ultimately depend from claim 1. The limitation of claim 3, a claim not part of this rejection is incorporated into claims 1. The present claims, as amended, are not obvious over '946. Reconsideration and withdrawal of this ground of rejection is respectfully requested.

Claims 1-20 are provisionally rejected under 35 §USC 103 (a) as obvious over US Patent No. 6,887,498 ('498) (previously copending Application No. 10/197,297) in view of US Patent No. 5,505,946 ('946). The present application was filed after November 29, 1999. The subject matter of '498 and the present application are commonly owned as demonstrated by the attached assignment of Exhibit A for '498 that includes a Statement Under 37 CFR 3.73(b) and a Notice of Recordation of Assignment Document, and Exhibit B for the present application that includes the Notice of Recordation of Assignment Document. The Exhibit A documents are identified as 10/197,297. The Exhibit B document is identified as 10/693,433.

Further, claim 1 is amended to show that after acetone is added to the acid extracted soluble to form a precipitate, the acetone-precipitate is agitated for about 1 hour. In '498, at col

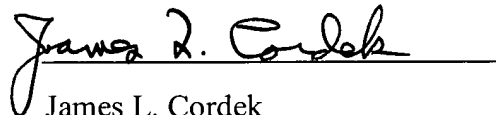
4, lines 13-27, acetone is added to the soybean solubles to form a precipitate and the contents are mixed for about ten minutes. Reconsideration and withdrawal of this ground of rejection is respectfully requested.

For the foregoing reasons, it is submitted that the present claims are in condition for allowance. The foregoing remarks are believed to be a full and complete response to the outstanding office action. Therefore favorable reconsideration and allowance are respectfully requested. If for any reason the Examiner believes a telephone conference would expedite the prosecution of this application, it is respectfully requested that she call Applicant's representative at 314.982.2409.

If any additional fees are due in connection with the filing of this document, the Commissioner is authorized to charge those fees to our Deposit Account No. 50-0421.

Respectfully submitted,
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